

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:24-cv-03481 DSF (ADS) Date: June 25, 2025

Title: Noel Gutierrez Amaya v. Warden

Present: The Honorable Autumn D. Spaeth, United States Magistrate Judge

Kristee Hopkins

Deputy Clerk

None Reported

Court Reporter / Recorder

Attorney(s) Present for Petitioner(s):
None Present

Attorney(s) Present for Respondent(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE:
MOOTNESS**

Petitioner Noel Gutierrez Amaya filed a Petition for Writ of Habeas Corpus by a Person in Federal Custody pursuant to 28 U.S.C. § 2241 (the “Petition”). (Dkt. No. 1.) Petitioner claims the Federal Bureau of Prisons (“BOP”) refused to apply First Step Act (“FSA”) Earned Time Credits (“ETCs”). (*Id.*) Respondent Bryan Birkholz, Warden of FCC Lompoc Low II, filed a Motion to Dismiss the Petition on mootness and exhaustion grounds. (Dkt. No. 11 at 2.)

A search of publicly available records reveals that Petitioner was released from BOP custody on February 28, 2025.¹ Habeas petitions that raise claims that were fully resolved by release from custody are moot. *Abdala v. INS*, 488 F.3d 1061, 1065 (9th Cir. 2007). In light of Petitioner’s release, the Petition appears to be moot.

The Parties are **ORDERED** to file a written response **by July 2, 2025** why the Court should not recommend dismissal of this Petition on the ground of mootness.

Petitioner is expressly warned that his failure to timely comply with

¹ The Court takes judicial notice of the information contained on the BOP inmate locator website. See *Murdock v. Martinez*, No. 2:19-cv-01413 RSWL (SHK), 2019 WL 4138017, at *1 n.1 (C.D. Cal. June 26, 2019) (citing *Shaw v. Hahn*, 56 F.3d 1128, 1129 n.1 (9th Cir. 1995)).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:24-cv-03481 DSF (ADS) Date: June 25, 2025

Title: Noel Gutierrez Amaya v. Warden

this Order may result in the Petition being dismissed for the reasons stated above, failure to prosecute, and/or failure to obey Court orders pursuant to Federal Rule of Civil Procedure 41(b).²

IT IS SO ORDERED.

Initials of Clerk kh

² This order is nondispositive. However, if Petitioner believes this order erroneously disposes of any of his claims or precludes any relief sought, he may file objections with the district judge within 20 days of the date of the order. See Bastidas v. Chappell, 791 F.3d 1155, 1162 (9th Cir. 2015); FED. R. CIV. P. 72.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:24-cv-03481 DSF (ADS) Date: June 25, 2025

Title: Noel Gutierrez Amaya v. Warden